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8 AlliedSignal Inc., Successor-In-Interest To  
The Bendix Corporation  
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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 *In re Toy Asbestos Litigation*

Case No. 4:19-cv-00325-HSG

14  
15 **STIPULATION AND ~~PROPOSED~~**  
16 **ORDER TO AMEND JANUARY 10, 2020**  
17 **SCHEDULING ORDER FOR THE**  
18 **LIMITED PURPOSE OF ALLOWING**  
19 **HONEYWELL'S EXPERT PETER**  
20 **ENGLISH TO TAKE PLACE AFTER**  
21 **APRIL 27, 2020 DEADLINE AND**  
22 **RELATED DAUBERT SCHEDULE**  
(as modified)

Trial Date: July 27, 2020

Date Removed: January 18, 2019

23 Pursuant to Civil Local Rule 6-1(b), and Fed. R. Civ. P. 16(b)(4), Plaintiffs Agnes Toy and  
24 Thomas Toy, Jr. ("Plaintiffs") by and through their attorneys of record, and Defendant Honeywell  
25 International Inc. ("Honeywell") by and through its attorneys of record, hereby stipulate to an  
26 extension as follows:  
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1        1. On January 10, 2020 this Court entered a Scheduling Order setting forth certain deadlines,  
 2 including an April 27, 2020 deadline for defense expert depositions and a May 6, 2020 deadline  
 3 for Daubert motions. (ECF Docket No. 348).

4        2. Peter English, M.D., Ph.D., is Honeywell's state-of the art expert. Dr. English's Fed R.  
 5 Civ. P. Rule 26(a)(2) disclosure and report were timely disclosed to all parties on February 17,  
 6 2020. Honeywell offered, and Plaintiffs noticed Dr. English's deposition for April 24, 2020.

7        3. Honeywell recently learned Dr. English was not available for deposition on April 24, 2020,  
 8 as he is currently under a shelter in place order, due to the Covid-19 pandemic in North Carolina,  
 9 and not at his usual home office where his laptop and materials are situated.

10       4. Having met and conferred, Plaintiffs and Defendant Honeywell by and through their  
 11 respective counsel of record, enter into this stipulation to modify this Court's January 10, 2020  
 12 scheduling order for the limited purpose of allowing Dr. English's deposition to take place after  
 13 the April 27, 2020 deadline and to modify any *Daubert* motions and hearing date related thereto.

14       5. As a condition of this stipulation, Honeywell and Plaintiffs have agreed that Dr. English  
 15 will not offer a supplemental report and/or modify the opinions that are already contained in his  
 16 original report, served on February 17, 2020.

17       6. Honeywell has represented to Plaintiffs that Dr. English's unavailability due to the  
 18 Coronavirus Shelter in Place Orders was unforeseeable to Honeywell. As such, Honeywell  
 19 believes good cause exists pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure to  
 20 extend the deposition deadline, the filing date of any *Daubert* motion and hearing date thereto,  
 21 concerning Dr. English in this case. Plaintiffs do not oppose Honeywell's request.

22       Based on the foregoing, Plaintiffs and Honeywell have agreed to a modification of certain  
 23 deadlines in the current January 10, 2020 scheduling order, and hereby request and submit the  
 24 following Stipulation and Proposed Order relating to Dr. English.

Matter	Current Deadline	Parties Proposed New Date:
Deadline to Depose Dr. English	April 27, 2020	June 4, 2020 at 10:00 a.m. (ET)
<i>Daubert</i> Motion Filing	May 6, 2020	June 18, 2020

1	Deadline Regarding Dr. English		
2			
3	Hearing date for <i>Daubert</i> Motion Regarding Dr. English	June 4, 2020	June 25, 2020 at 2:00 p.m.
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6  
7 Dated: May 8, 2020

**Dean, Omar, Branham, Shirley, LLP**

8  
9 By: /s/ Benjamin Adams

BENJAMIN ADAMS  
Attorneys for Plaintiffs  
Agnes Toy and Thomas Toy, Jr.

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14 Dated: May 8, 2020

**ONGARO PC**

15  
16 By: s/Kirsten McNelly Bibbes

KIRSTEN MCNELLY BIBBES  
Attorneys for Defendant  
HONEYWELL INTERNATIONAL INC. *f/k/a*  
AlliedSignal Inc., Successor-in-Interest to The  
Bendix Corporation

**~~PROPOSED~~ ORDER**

PURSANT TO STIPULATION between the parties, it is hereby ORDERED that the January 10, 2020 case schedule is modified as shown above and that Plaintiffs and Honeywell shall comply with the modified schedule listed above except the hearing on the Daubert Motion Re Dr. English will be held on July 2, 2020 at 2:00 p.m.

5/11/2020

**DATE**



**HON. HAYWOOD S. GILLIAM, JR.  
UNITED STATES DISTRICT COURT JUDGE**